

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

v.

CASE NO.: 1:20-CV-03746 (LJL)

STEVEN J. BROOKS, et al.,

Defendants.

**SPECIALLY APPEARING DEFENDANTS'
FIRST DOCUMENT REQUESTS TO PLAINTIFFS**

TO: CONVERGEN ENERGY LLC, L'ANSE WARDEN ELECTRIC COMPANY, LLC,
EUROENERGY BIOGAS LATVIA LIMITED, and LIBRA CAPITAL US, INC.
c/o Michael T. Stolper, Esq.
SEIDEN LAW GROUP LLP
469 7th Avenue
New York, NY 10018
Attorneys for Plaintiffs.

Pursuant to Federal Rule of Civil Procedure 34 and the Court's May 20, 2020 Order permitting expedited discovery, Specially Appearing Defendants¹ Steven J. Brooks ("Brooks"), NianticVista Energy, LLC ("Niantic"), Gregory Merle ("Merle"), and Riverview Energy Corporation ("Riverview," collectively "Defendants") hereby request that Plaintiffs Convergen Energy LLC ("CE"), L'Anse Warden Electric Company, LLC ("L'Anse"), Euroenergy Biogas Latvia Limited ("Latvia"), and Libra Capital US, Inc. ("Libra") serve their responses in writing

¹ Specially Appearing Defendants issue these requests for the purpose of defending against the preliminary injunction sought by Plaintiffs in the above-referenced action, with the intent to contest jurisdiction and venue in the above-referenced Court at an appropriate time, and without waiving any and all rights to contest jurisdiction and venue, including but not limited to the right to move to compel arbitration. To protect their due process rights and because the Court intends to hear Plaintiffs' motion in advance of resolving Defendants' jurisdictional and venue challenges, Defendants are forced to participate in the above-referenced action in advance of presenting their jurisdictional and venue challenges to the Court.

and produce the documents and things in their possession, custody or control requested below by email or for inspection and copying at the offices of Kohner, Mann & Kailas, S.C., Washington Building, Barnabas Business Center, 4650 N. Port Washington Road, Milwaukee, WI 53212-1059, by the Court's deadline for submission of declarations in support of or in opposition to Plaintiffs' motion for a preliminary injunction (currently noon eastern time on June 15, 2020, but as it may be extended).

DEFINITIONS AND INSTRUCTIONS

For purposes of these requests the following definitions and instructions shall apply:

1. The "Litigation" shall refer to the case pending in the United States District Court for the Southern District of New York, captioned *Convergen Energy LLC, et al., v. Steven J. Brooks, et al.*, and bearing the Case Number 1:20-CV-03746-LJL.
2. "Plaintiffs" shall refer to the named plaintiffs in the Litigation.
3. "Complaint" shall mean the Complaint filed by Plaintiffs in the Litigation on May 14, 2020, as Document 1.
4. The "Recording" shall refer to the recording referred to in the phrase "face-to-face recorded meeting in Manhattan" in paragraph five of the Complaint, the meeting on February 3, 2020, referred to in paragraph 42 of the Complaint, the "recorded meeting" referred to in paragraph 43 of the Complaint, the "tape" referred to in paragraph 75 of the Complaint, and the "recorded confession" referred to by Plaintiffs' counsel on page 20, line 6 of the transcript of the May 19, 2020 proceedings before the Court in the Litigation on Plaintiffs' application for a temporary restraining order and a preliminary injunction. If Plaintiffs in these instances are referring to more than one recording, all such recordings are included in the definition of "Recording."

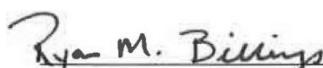
5. The Recording shall be produced in full in native format, or in a format that is widely available for commercial use, such as .mp3, .mp4, or .wav, as long as the native format and all metadata are fully preserved. Other responsive documents should be produced natively, as .pdfs, or in another format that is widely available for commercial use, such as .msg, .pst, .rtf, .doc, or.docx.

DOCUMENT REQUESTS

1. The Recording.
2. All documents that Plaintiffs may or intend to rely upon, refer to, or introduce at the hearing on Plaintiffs' motion for a preliminary injunction in the Litigation (currently scheduled for June 24, 2020, but as it may be extended).

Dated this 11th day of June, 2020.

By:



Ryan M. Billings
S.D.N.Y. Bar No. RB0378
KOHNER, MANN & KAILAS, S.C.
4650 N. Port Washington Road
Milwaukee, WI 53212-1059
Telephone: (414) 962-5110
Facsimile: (414) 962-8725
Email: rbillings@kmksc.com

Attorneys for Defendants Steven J. Brooks,
NianticVista Energy, LLC, Gregory Merle,
and Riverview Energy Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2020, a true and correct copy of the foregoing document, *Specially Appearing Defendants' First Document Requests to Plaintiffs*, was served by electronic mail to the following counsel:

Michael T. Stolper, Esq.
SEIDEN LAW GROUP LLP
469 7th Avenue
New York, NY 10018
mstolper@seidenlegal.com


Ryan M. Billings